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GC SERVICES, L.P.

UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF CALIFORNIA

STEPHANIE KOCH, Plaintiff, vs. GC SERVICES, L.P. Defendant.	CASE NO. 08 CV 1223 JAH RBB **EX PARTE APPLICATION FOR DEFENDANT GC SERVICES, L.P.'S EXCUSED ABSENCE FROM EARLY NEUTRAL EVALUATION** **Early Neutral Evaluation Conference: August 29, 2008** **Time: 8:30 a.m.** **Room: 1185** **United States Magistrate Judge Ruben B. Brooks**

Defendant GC SERVICES, L.P. ("Defendant") hereby applies to this Court for an *Ex Parte* Order to allow Defendant's representative with authority to settle the action to appear by telephone at the Early Neutral Evaluation Conference scheduled for August 29, 2008, at 8:30 a.m. in Room 1185, before United States Magistrate Judge Ruben B. Brooks, 940 Front Street, San Diego, California.

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LOS ANGELES, CALIFORNIA 90045

I.

THERE IS GOOD CAUSE TO PERMIT DEFENDANT'S REPRESENTATIVE TO APPEAR AT THE EARLY NEUTRAL EVALUATION CONFERENCE BY TELEPHONE

Plaintiff Stephanie Koch ("Plaintiff") alleges Defendant violated the Fair Debt Collection Practices Act and California Rosenthal Act during Defendant's attempts to collect a debt from Plaintiff. These statutes have ***attorney fee shifting provisions***. Defendant's principal place of business and as well as its representative are located in Houston, Texas. If Defendant's representative is required to travel from Texas to California for the August 29, 2008 Early Neutral Evaluation Conference, the expense that will be incurred make it prohibitive for Defendant to settle. Further, the absence of the representative from GC Services to travel to California for the August 29, 2008 Early Neutral Evaluation Conference will present a hardship to the company.

This request is made to facilitate the resolution of this case by settlement before exorbitant attorneys fees and costs are incurred by Defendant which will hinder settlement negotiations. The representative will be legally and factually prepared to discuss the case and potentially resolve the case at the Early Neutral Evaluation Conference. Therefore, Defendant respectfully requests that its representative be permitted to appear at the Early Neutral Evaluation Conference by telephone.

Counsel for GC Services has advised counsel for Plaintiff Stephanie Koch of this present *Ex Parte* Application. Counsel for Plaintiff, Nick Bontrager, Esq., advised that he has no objections.

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II.

CONCLUSION

Pursuant to the foregoing, Defendant respectfully requests that this *Ex Parte* Application be granted, and that its representative be permitted to appear at the August 29, 2008 Early Neutral Evaluation Conference by telephone. Defendant assures that the party representative will ***meaningfully participate*** in the Early Neutral Evaluation Conference.

DATED: August 14, 2008

CARLSON & MESSER LLP

By /s/ David J. Kaminski
David J. Kaminski, Esq.
Larissa G. Nefulda, Esq.
Attorneys for Defendant
GC SERVICES, L.P.